

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada State Board of Medical Examiners, located at 1105 Terminal Way, Ste. 301 Reno, Nevada 89502, (775) 688-2559, is proposing the amendment of regulations pertaining to Chapter 630 of Nevada Administrative Code. A workshop has been set for 9:00am, on Tuesday, May 25, 2010, at the Grant Sawyer State Office Bldg., 555 E. Washington Ave., Room 4412 E, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that will be addressed in the proposed regulations: Removal of a portion, or all, of the Board regulation which prescribes the use of controlled substances for the control of weight of a patient.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Nevada State Board of Medical Examiners at PO Box 7238 Reno, Nevada 89510-7238, (775) 688-2559. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Washoe County Courthouse	Reno, Nevada
Carson City Library	Carson City, Nevada
Clark County District Library	Las Vegas, Nevada
Churchill County Library	Fallon, Nevada
Douglas County Library	Minden, Nevada
Elko County Library	Elko, Nevada
Esmeralda County Library	Goldfield, Nevada
Humboldt County Library	Winnemucca, Nevada
Lander County Library	White Pine, Nevada
Lincoln County Library	Pioche, Nevada
Lyon County Library	Yerington, Nevada
Mineral County Library	Hawthorne, Nevada
Tonopah Public Library (Nye County)	Tonopah, Nevada
Pershing County Library	Lovelock, Nevada
Storey County Library	Virginia City, Nevada
White Pine County Library	Ely, Nevada
Washoe County Library	Reno, Nevada

**PROPOSED REGULATION OF THE
BOARD OF MEDICAL EXAMINERS**

LCB File No. R051-10

April 16, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 630.130 and 630.275.

A REGULATION relating to physicians and physician assistants; revising provisions governing prohibited professional conduct; and providing other matters properly relating thereto.

Section 1. NAC 630.230 is hereby amended to read as follows:

630.230 1. A person who is licensed as a physician or physician assistant shall not:

- (a) Falsify records of health care;
- (b) Falsify the medical records of a hospital so as to indicate his presence at a time when he was not in attendance or falsify those records to indicate that procedures were performed by him which were in fact not performed by him;
- (c) Render professional services to a patient while the physician or physician assistant is under the influence of alcohol or any controlled substance or is in any impaired mental or physical condition;
- (d) Acquire any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge;

- (e) Prescribe anabolic steroids for any person to increase muscle mass for competitive or athletic purposes;
- (f) Make an unreasonable additional charge for tests in a laboratory, radiological services or other services for testing which are ordered by the physician or physician assistant and performed outside his own office;
- (g) Prescribe ~~{controlled}~~ , ***for the control of the weight of a patient:***
- (1) ***Controlled*** substances listed in schedule II pursuant to NAC 453.520 ~~{or}~~ ;
 - (2) ***Controlled substances listed in*** schedule III pursuant to NAC 453.530, ~~{controlled}~~
with the exception of chorionic gonadotropin (HCG);
 - (3) ***Controlled*** substance analogs ~~{, chorionic gonadotrophic hormones, thyroid}~~ ;
 - (4) ***Thyroid*** preparations ; or ~~{thyroid}~~
 - (5) ***Thyroid*** synthetics ; ~~{for the control of weight;}~~
- (h) Allow any person to act as a medical assistant in the treatment of a patient of the physician or physician assistant, unless the medical assistant has sufficient training to provide the assistance;
- (i) Fail to provide adequate supervision of a medical assistant who is employed or supervised by the physician or physician assistant;
- (j) If the person is a physician, fail to provide adequate supervision of a physician assistant or an advanced practitioner of nursing;
- (k) Fail to honor the advance directive of a patient without informing the patient or the surrogate or guardian of the patient, and without documenting in the patient's records the reasons for failing to honor the advance directive of the patient contained therein; or

(l) Engage in the practice of writing prescriptions for controlled substances to treat acute pain or chronic pain in a manner that deviates from the guidelines set forth in the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

2. As used in this section:

(a) “Acute pain” has the meaning ascribed to it in section 3 of the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

(b) “Chronic pain” has the meaning ascribed to it in section 3 of the *Model Guidelines for the Use of Controlled Substances for the Treatment of Pain* adopted by reference in NAC 630.187.

(c) “Controlled substance analog” means:

(1) A substance whose chemical structure is substantially similar to the chemical structure of a controlled substance listed in schedule II pursuant to NAC 453.520 or schedule III pursuant to NAC 453.530; or

(2) A substance which has, is represented as having or is intended to have a stimulant, depressant or hallucinogenic effect on the central nervous system of a person that is substantially similar to, or greater than, the stimulant, depressant or hallucinogenic effect on the central nervous system of a person of a controlled substance listed in schedule II pursuant to NAC 453.520 or schedule III pursuant to NAC 453.530.

(d) “Medical assistant” means any person who:

(1) Is employed by a physician or physician assistant;

(2) Is under the direction and supervision of the physician or physician assistant;

(3) Assists in the care of a patient; and

(4) Is not required to be certified or licensed by an administrative agency to provide that assistance.